

TRINA A. HIGGINS, United States Attorney (#7349)
RICHARD M. ROLWING, Special Assistant United States Attorney (OH #0062368)
JOHN E. SULLIVAN, Senior Litigation Counsel, Tax Division (WI #1018849)
ERIKA V. SUHR, Trial Attorney, Tax Division (FL #1020532)
Attorneys for the United States of America
111 South Main Street, #1800
Salt Lake City, Utah 84111
Telephone: (801) 524-5682
Email: richard.m.rolwing@usdoj.gov
john.e.sullivan@usdoj.gov
erika.v.suhr@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	Case No. 2:21-CR-00140-JNP
Plaintiff,	:	
v.	:	AEO PROTECTIVE ORDER
SEZGIN BARAN KORKMAZ	:	
Defendant.	:	District Judge Jill N. Parrish Magistrate Judge Jared C. Bennett

AEO PROTECTIVE ORDER

Upon the uncontested motion of the United States for a proposed AEO Protective Order, and for the reasons stated in the government's motion, the Court concludes that there is good cause to issue a AEO Protective Order as to any Jencks Act-type material that the government discloses pretrial which is marked as Attorneys' Eyes Only ("AEO").

WHEREAS the government must provide discovery to the defense pursuant to Rule 16 of the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Giglio v. United States*, 405 U.S. 150, 154 (1972); and the Jencks Act, 18 U.S.C. § 1600, (the "discovery obligations"), and WHEREAS the government has the right and reserves its right under the

Jencks Act to disclose witness statements after a witness has testified upon direct examination at trial, and WHEREAS the government has agreed that it will disclose the bulk of the Jencks Act-type material eight weeks prior to trial, it is hereby:

ORDERED that the government may designate certain material in its Jencks Act-type material production as AEO.

IT IS FURTHER ORDERED that defense counsel shall be permitted to raise with the Court concerns or objections regarding the scope of this AEO Protective Order and/or the timing of the government's disclosures, or otherwise seek modification of this order in advance of trial.

IT IS FURTHER ORDERED that if defense counsel wishes to receive the Jencks Act-type material prior to trial that the government is willing to provide, the materials the government designates as AEO will be governed by the following:

- (a) as to any of the Jencks Act-type material disclosed by the government pretrial that falls within this AEO Protective Order, the government will stamp the material with an "AEO" designation.
- (b) that all Jencks Act-type material disclosed by the government pretrial also falls within the Order Authorizing Disclosure of Section 6103 Material and Protective Order previously issued in this case (Doc. 39).
- (c) that as to the Jencks Act-type material identified by the government as covered by this Order, the material shall only be disclosed to the assigned defense counsel (counsel of record), other defense counsel working with counsel of record (and defense counsel of record shall notify the government of the identity of such additional defense counsel, the defense attorneys' legal assistants, and any designated defense investigators (collectively "the Defense") pursuant to this AEO

Protective Order, which will enable the Defense to prepare for trial without prematurely identifying the cooperating witnesses to the defendant. The Defense shall not show to, discuss with, or disclose in any other manner the identity of the government's witnesses contained in the AEO Jencks Act-type material (copies or otherwise) to the defendant earlier than two weeks prior to trial.

DATED this 26 day of August, 2022



JARED C. BENNETT
U.S. Magistrate Judge

Presented by:

TRINA A HIGGINS
United States Attorney

/s/ Richard M. Rolwing
RICHARD M. ROLWING
Special Assistant United States Attorney
JOHN E. SULLIVAN
Senior Litigation Counsel
ERIKA V. SUHR
Trial Attorney

Certificate of Service

I certify that on the 25th day of August 2022, I caused a copy of the foregoing to be filed through the CM/ECF electronic filing system, and I caused a copy to be emailed to all counsel of record.

/s/ Erika V. Suhr
ERIKA V. SUHR
Trial Attorney